

AGENDA

MALVERN CITY COUNCIL

Monday, September 13, 2021

Streamed live, 6:30 PM

I. CALL MEETING TO ORDER

II. INVOCATION

III. ROLL CALL

IV. APPROVE MINUTES OF THE PREVIOUS MEETING

- A. Regular Meeting – August 9, 2021
- B. Special Meeting – August 24, 2021

V. DEPARTMENT REPORTS

- A. Finance Report
- B. Street Department Report
- C. Police Report
- D. Fire/CEO Report
- E. Animal Control Report
- F. LifeNet Report
- G. Water Works Report

VI. OLD BUSINESS

VII. NEW BUSINESS

- A. Resolution Authorizing Refunding of City Water & Sewer Revenue Bonds
- B. Rescinding 99-Year Lease On Tuggle School
- C. Resolution Deeding Tuggle School Building to ASUTR
- D. First Reading – Ordinance Levying City Taxes for 2022
- E. Reappoint Rob Hanley to Airport Commission
- F. Approve Pursuit of Grants for Stormwater Infrastructure Improvements

VIII. MAYOR REPORTS

IX. ADJOURNMENT

MINUTES OF THE MALVERN CITY COUNCIL
Monday, September 13, 2021
Streamed From the City Hall
6:30 P.M.

The Malvern City Council met for its regular monthly meeting on Monday, September 13, 2021, at 6:30 p.m. via Microsoft Teams and advertised as required by law, due to the Covid-19 Pandemic of 2020. The meeting was available for viewing live on YouTube. The opportunities for attending the meeting had been advertised on the City's website (with link provided), the City's Facebook page, and in the Malvern Daily Record.

City Clerk Treasurer Phyllis Dial called the meeting to order. Mayor Weldon was present via teams, but at the hospital due to the illness of her husband. Clerk/Treasurer Dial led the invocation and pledge of allegiance. Answering the roll call were Council members Mary Fraction, Lynn Davis, Wayne Reynolds, Peggy Lusinger, Matthew Keenan, David Cross and Larry Stiles with William Wilson absent. City Attorney Cecilia Ashcraft was absent.

A motion was made by Council Member Lynn Davis, seconded by Council Member Mary Fraction to approve the minutes of the regular meeting held on August 9, 2021, and the special meeting held August 24, 2021. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried, and the minutes of the previous meeting were adopted.

A motion was made by Council Member David Cross, seconded by Council Member Larry Stiles, to accept the Departmental Reports as posted. Alderman Cross asked Water Works Manager David Coston about the 14% water loss shown on the Water Works monthly report. Coston replied that it is about 70 million gallons and while they attempt to keep water loss around 10%, most utilities have a rate higher than that. He stated that they had been short-handed and focusing on the larger leaks in the system but are now back to full staff and hope to see the numbers decrease soon. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, the reports were accepted.

There was no old business to come before the Council.

Under new business, Council Member Fraction introduced a resolution authorizing the offering of bonds to refund the City's water and sewer refunding and construction revenue bonds. Clerk/Treasurer Dial read the resolution. A motion was made by Alderman Cross, seconded by Council Member Fraction to adopt the resolution. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried, and the resolution was adopted and assigned No. 11-2021.

RESOLUTION NO. 11-2021

A RESOLUTION AUTHORIZING THE OFFERING OF BONDS TO REFUND THE CITY'S WATER AND SEWER REFUNDING AND CONSTRUCTION REVENUE BONDS, SERIES 2018; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

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A motion was made by Council Member Peggy Lusinger, seconded by Council Member Mary Fraction to rescind the lease agreement with the Malvern Tuggle Restoration Organization for the old Tuggle School property as discussed at last week's finance/agenda meeting, in order for the property to be conveyed to ASU Three Rivers for the purpose of pursuing grant funds for preservation and restoration of the property. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried, and the lease agreement was rescinded.

Council Member Lusinger introduced a resolution authorizing the conveyance of the old Tuggle School Building to Arkansas State University Three Rivers. The Clerk/Treasurer read the resolution. A motion was made by Alderman Stiles, seconded by Alderman Cross to adopt the resolution. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried, and the resolution was adopted and assigned No. 12-2021.

RESOLUTION NO. 12-2021

**A RESOLUTION AUTHORIZING THE CONVEYANCE OF THE OLD MALVERN-TUGGLE SCHOOL
PROPERTY TO ARKANSAS STATE UNIVERSITY, THREE RIVERS**

Council Member Lusinger introduced for its first reading an ordinance adopting the 2022 tax levy for the City of Malvern. The ordinance was read for its first reading by Clerk/Treasurer Dial. The ordinance will be heard for its second reading by title only at the October meeting of the Council.

A motion was made by Alderman Cross, seconded by Alderman Keenan to reappoint Rob Hanley to the Malvern Airport Commission for a five (5) year term as the representative from Ward 3. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried.

A motion was made by Alderman Keenan, seconded by Council Member Fraction to approve the pursuit of grant money from FEMA for stormwater infrastructure improvements as discussed at the September finance/agenda meeting. Voting for the motion were Council Members Fraction, Davis, Reynolds, Lusinger, Keenan, Cross and Stiles with Wilson absent. All present voting for, motion carried.

Alderman Cross asked how the special demolition project was proceeding and how many dilapidated structures had been demolished so far. Fire Chief Harper noted that at least two are completed and they are still working on getting them torn down. Alderman Stiles asked if the properties would have liens placed against them to try and recover the city's costs for

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demolition and Harper stated that those will be brought to the council for approval as soon as the project is completed. Alderman Stiles asked how many properties were on the list for the demolition project. Fire Marshall/Code Enforcement Officer Chris Brewster stated that there were twenty or twenty-one on the original list for demolition and only four of those remain to be done. Brewster stated that they hope to be finished within the next month.

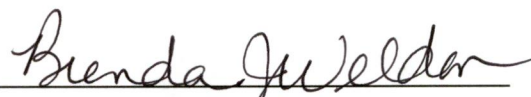
Aldermen Stiles and Cross asked about the gravel that had been placed on several city streets in the past few days. Street Superintendent Mike Smith told the Council that this is the first step in the process for repairing those streets. They will be vacuuming up the excess gravel in the next few days and then within the next week or so, the final sealant will be placed over the gravel. Alderman Stiles asked if this is the process suggested during the street survey that was done, and Smith answered that it was. There is another project that will mill and overlay some streets in the city and some concrete work on the streets in Royal Oaks. Council Member Fraction asked when the street department would start working on repairing street cuts again, and Smith advised that they had been working hard on repairing the cuts that were on streets involved in the Street Repair project to stay ahead of the contractors, but in the next few days should be able to resume their normal schedule of working street cuts.

Alderman Keenan praised the Malvern Fire Department for their quick response to some vehicle/structure fires in neighborhoods over the past week.

There being no further business, and upon a motion by Alderman Keenan, seconded by Alderman Stiles, the meeting was adjourned.




Phyllis Dial, City Clerk/Treasurer


Brenda J. Weldon, Mayor

RESOLUTION NO. 12-2021

**A RESOLUTION AUTHORIZING THE CONVEYANCE
OF THE OLD MALVERN-TUGGLE SCHOOL PROPERTY TO
ARKANSAS STATE UNIVERSITY, THREE RIVERS**

Whereas, the City of Malvern owns the real estate known as old Malvern-Tuggle School, located at 836 Acme Street. The real estate was leased in 2008 to the Malvern Tuggle Restoration Organization, who has had the property designated as a Rosenwald school and is attempting to save the building for historic preservation.

Whereas, Arkansas State University, Three Rivers has become involved in the project to preserve and restore the Malvern Tuggle Rosenwald School building and has expressed a desire to take ownership of the school building.

Whereas, in an effort to support the Malvern Tuggle Restoration Organization, the City Council desires to convey the real estate to Arkansas State University Three Rivers for its continued and exclusive use.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
MALVERN, ARKANSAS:

The old Malvern-Tuggle School building and real estate shall be conveyed to Arkansas State University Three Rivers. The Mayor is hereby authorized to execute any and all documents and deeds to convey the property.

PASSED AND ADOPTED this 13th day of September, 2021.


Brenda J. Weldon, Mayor

Attest:


Phyllis Dial, Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into this 14th day of January, 2008 by and between the City of Malvern ("Lessors") and Malvern Tuggle Restoration Organization ("Lessee").

WITNESSETH:

1. **PROPERTY LEASED:** Lessors hereby lease to Lessee and Lessee hereby leases from Lessors the following described real property situated in Hot Spring County, Arkansas, which hereafter shall be referred to as "Leased Property" or "Leased Premises"; to-wit:

Property generally known as the old Malvern-Tuggle School, located at 836 Acme Street in Malvern.

2. **TERM:** The initial term of this Lease shall be for a period of ninety-nine (99) years, commencing on January 14, 2008 and terminating on January 14, 2106. Lessee shall have the option to renew and extend the Lease. In order to exercise the option, Lessee must provide Lessors with written notice at least ninety (90) days prior to the expiration of the Lease.

3. **RENT:** (a) Lessee hereby agrees and promises to pay Lessor the sum of One Dollar (\$1.00) per year, payable in one lump sum or on June 1 of each year for each and every year during the continuance hereof.

4. **SCHEDULING OF OTHER ACTIVITIES:** Malvern Tuggle Restoration Organization will manage the schedule for the use of the building by other groups.

5. **MAINTENANCE, REPAIRS & USE OF PREMISES:** The purpose of the Malvern Tuggle Restoration Organization is to rehabilitate and restore the old Tuggle School building to historic accuracy. During the term hereof, lessee may used the Leased Premises or any portion thereof for the purposes of offices and related business for Malvern Tuggle Restoration Organization.

During the term of this Lease, Lessee shall have the right to make improvements to the Leased Premises at its own expense, provided they are reasonably necessary for the effective

operation of their business. However, Lessee shall not make any improvements which materially or permanently affect the future use and/or the structural condition of the Premises without first receiving written consent of the Lessors. Upon termination of the Lease, the improvements made to the Leased Premises shall not be removed from the Lease Premises and shall become the property of the Lessors; provided however, Lessee shall have the right to remove Lessee's fixtures if they can be removed in such a way that the Leased Premises will not be disturbed or damaged.

Malvern Tuggle Restoration Organization shall be responsible for maintenance and repairs to the roof, and walls of the building. Malvern Tuggle Restoration Organization shall be responsible for all normal maintenance and repairs of the heating and cooling equipment. All other systems, including without limitation plumbing, wiring, light bulbs, fixtures, interior walls, ceilings and windows shall be the responsibility of Malvern Tuggle Restoration Organization. In addition, Malvern Tuggle Restoration Organization shall be responsible for maintaining the parking lot and the yard and landscaping connected with the Leased Premises. Malvern Tuggle Restoration Organization shall be responsible for maintenance of all its equipment.

6. **INSURANCE:** Lessors will maintain fire and extended casualty insurance on the building itself. Lessee will maintain premise liability insurance on the leased premises and at its option, may also carry insurance on its contents located within the leased premises.

7. **UTILITIES:** Lessee shall pay for all metered water, gas, heat, light, power, telephone service and all other utilities supplied to the premises during the term hereof. Lessee will be responsible for getting the utilities transferred to Lessee's name.

8. **TAXES:** Lessors shall have the responsibility of paying the real property taxes on the Leased Premises.

9. **MATERIALMAN'S LIENS:** Lessee shall keep the Leased Premises free and clear from any and all mechanic's and/or materialman's liens on account of any construction, repairs, alterations or improvements which may be made to the property and Lessee hereby indemnify and hold

Lessors harmless of and from any and such liens, including attorney's fees which may be incurred by Lessors in connection with its defense of any such claim or enforcement of an lien or this provision of the Lease Agreement. In addition, Lessee shall obtain lien waivers from all contractors and laborers who are employed by Lessee to make repairs, alterations or improvements to the Leased Premises.

10. **NOTICES:** Any notices which the parties may desire or be required to serve upon one another shall be to the following addresses:

LESSORS

305 Locust

Malvern, AR 72104

LESSEE

PO Box 1457

Malvern, AR 72104

11. **SEVERABILITY:** In the even that any provision of this Agreement shall be held invalid or unenforceable by any Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

12. **BINDING EFFECT:** This Lease shall insure to the benefit of and be binding upon the parties hereto, their respective successors, legal representatives, heirs and assigns.

IN WITNESS WHEREOF, the Parties have executed these present as of the day and year first written above.

CITY OF MALVERN, ARKANSAS

BY: Steve Northcutt

Steve Northcutt, Mayor

ATTEST:

Theresa Deal
City Clerk

MALVERN TUGGLE RESTORATION ORGANIZATION

BY: Red Henry L. Mitchell

Title: President

Brenda J. Weldon

From: Vines, Brian <bVines@Halff.com>
Sent: Friday, September 3, 2021 2:28 PM
To: Brenda J. Weldon
Cc: Watson, Mike; Jacob Wright; Mike Smith
Subject: RE: Low and Moderate Income Areas

Here are the preliminary cost estimates

Project Name	Preliminary Cost Estimate	Preliminary Cost Estimate Alt	Comments
Reed	\$175,000		
Moline (Lowden to Division)	\$200,000		
Moline (Veterans Memorial to Brownwood)	\$325,000		
Town Creek (Walco to City Limits)	\$12,700,000	\$565,000	Prelim cost – removing sediment, alt – clearing only
Pine Bluff to Sullenburger (Lincoln to Cherry)	\$660,000		Updated old estimate with 2021 unit costs
City Park	\$340,000		Replace bridges with 4 – 36" culverts
Mill Street Drainage	\$300,000		

Thanks,
Brian

Brian Vines, PE
Public Works Team Leader
Halff Associates, Inc.

O: (501) 801-2675
C: (501) 499-5396



[Halff.com](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

From: Vines, Brian <bVines@Halff.com>
Sent: Tuesday, August 31, 2021 3:19 PM
To: Mayor Brenda Weldon (mayor@malvernar.gov) <mayor@malvernar.gov>
Cc: Watson, Mike <mWatson@halff.com>; Jacob Wright (jwright@malvernar.gov) <jwright@malvernar.gov>; Mike Smith (msmith@malvernar.gov) <msmith@malvernar.gov>
Subject: Low and Moderate Income Areas

Mayor Weldon,

Here is the link I use to find out the low to moderate income percentages. Below I have given the percentages by the projects we discussed this morning.


<https://www.arcgis.com/apps/webappviewer/index.html?id=ffd0597e8af24f88b501b7e7f326bedd>

Project Name	Low to Moderate Income Percentage
Reed	38.67%
Moline (Lowden to Division)	52.26%
Moline (Veterans Memorial to Brownwood)	50.53%
Town Creek (Walco to MLK/Main St)	66.42%
Town Creek (MLK/Main St to Laurel)	50.53%
Town Creek (Laurel to Babcock)	52.26%
Town Creek (Babcock to City Limits)	65.45%
Pine Bluff to Sullenburger (Lincoln to Cherry)	47.69%
City Park	58.15%
Mill Street Drainage	29.08%

Thanks,
Brian

Brian Vines, PE
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Halff Associates, Inc.

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C: (501) 499-5396



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